

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services-Irrigation & CAD Department – Allegations of corruption against Sri M. Nagendra Rao, I/C, Executive Engineer & Deputy Chief Engineer, O/o the Chief Engineer, NSP, Right Canals Unit, Guntur trapped by ACB on 13.12.2004.-Judgment delivered by the Special Judge for SPE &ACB Cases, Vijayawada in CC No. 10/2007 duly acquitting the Accused Officer– Further Action dropped – Release of retirement benefits- Regularization of suspension period from 13.12.2004 to 31.01.2007as spent on duty – Orders – Issued .

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IRRIGATION & CAD (SER.VI.2) DEPARTMENT

G.O.Rt.No. 587

Dated :28.05.2010

Read the following:

1. From the ENC (AW), Hyderabad in Lr. No. Rc. ENC/S1(3)/40908/2004-, dated 14.12.2004.
- 2 Radio Message in Crime No. 23/RCT-ACB- VJA/2004, Dt. 13/14-12-2004 of DSP, ACB, Vijayawada, Camp at Guntur..
- 3 G.O.Rt. No. 1755, I & CAD (Ser.VI.2) Department, dt. 15.12.2004.
- 4 G.O.Rt. No. 349, I&CAD (Ser. VI.2) Department, dt. 11.3.2005
- 5 G.O. Ms. No. 44, I & CAD(Ser.VI.2) Department, dt. 1.06.2006.
- 6 Judgment from the Court of the Special Judge for SPE & ACB Cases, Vijayawada, in C.C. No. 10/2007 dated 09.09.2009.
- 7 Representation from Sri M. Nagendra Rao, I/C Executive Engineer& Deputy Chief Engineer (Retd) dt. 6.10.2009
- 8 G.O.Rt. No. 334, I & CAD (Ser. VI.2) Dept., dt. 27.03.2010.
- 9 Representation from Sri M. Nagendra Rao, I/c Executive Engineer & Deputy Chief Engineer (Retd) dt. 23.4.2010.
- 10.From the ENC (AW), Hyderabad in Lr. No. RC/ENC/S1(3)/40908/2004- dated 29.04.2010.

O R D E R:

In the reference 2nd read above, the DSP, ACB, Vijayawada Camp at Guntur was informed that Sri M. Nagendra Rao, I/C, Executive Engineer & Deputy Chief Engineer, O/o the Chief Engineer, NSP, Right Canals Unit, Guntur has indulged in corrupt practices and he was trapped on 13.12.2004 by the Anti Corruption Bureau authorities while he was demanded a bribe of Rs 10,000/- and accepted the same from a retired employee for showing official favour to reimburse the medical expenses etc., and also informed that a case has been registered against Sri M. Nagendra Rao, I/C, Executive Engineer & Deputy Chief Engineer, O/o the Chief Engineer, NSP, Right Canals Unit, Guntur and arrested on 13.12.2004 by the ACB officials in Guntur and produced before the SPE & ACB Court cases Vijayawada on 14.12.2004.

2. In the reference 3rd read above, Sri M. Nagendra Rao, I/C, Executive Engineer & Deputy Chief Engineer, O/o the Chief Engineer, NSP, Right Canals Unit, Guntur was placed under suspension from the date of communication of the order and he shall continue to be under suspension in public interest until the conclusion of the disciplinary proceedings/ termination of all proceedings relating to the criminal charge. In the reference 4th read above, orders were issued placing him under deemed suspension w.e.f. 13.12.2004 under Rule 8 (2) of APCS (CCA) Rules 1991 as he was arrested on 13.12.2004 and remanded to Jail from 14.12.2004 to 17.12.2004.

3. In the reference 5th read above, Government have issued prosecution sanction orders against Sri M. Nagendra Rao, I/C, Executive Engineer & Deputy Chief Engineer, O/o the Chief Engineer, NSP, Right Canals Unit, Guntur for the offences punishable under sections 7 and 3 (2) read with 13 (1) (D) of Prevention of Corruption Act, 1988.

4. Subsequently, Sri M. Nagendra Rao, have filed O.A. No. 4975/2006 before the Hon'ble A.P.A.T with a prayer to reinstate him into service. The Hon'ble A.P.A.T in O.A. No. 4975 /2006, dt. 27.11.2006 was ordered to review the suspension of the applicant

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accordance with G.O. Ms. No. 86, GAD, dt. 8.3.1994 within a period of three weeks from the date of receipt of the order and also to pay the enhanced subsistence allowance due to the applicant. Accordingly, he made a representation on 21.11.2006. While the matter under examination, the individual was retired from service on 31.1.2007 on attaining the age of superannuation.

5. In the reference 6th read above, the Special Judge for SPE & ACB Cases, Vijayawada has pronounced judgment on 9.9.2009 in C.C. No. 10/2007 acquitting the Accused Officer for the offences punishable under sections 7 and 13 (1) (d) read with section 13 (2) of Prevention of Corruption Act, 1988, under section 248 (1) Cr.P.C.

6. In the reference 7th read above, Sri M. Nagendra Rao, I/c, Executive Engineer (Retired) has made a representation with a request to release his service benefits as he was acquitted in a criminal case vide judgment of Special Judge for SPE & ACB Cases Court, Vijayawada dt. 9.9.2009 w.e.f 13.12.2004 i.e from the date of his suspension.

7. In the reference 8th read above, Government have dropped further action and also order to release the retirement benefits to Sri M. Nagendra Rao, I/c Executive Engineer & Deputy Chief Engineer (Retd).

8. In the reference 9th read above, Sri M. Nagendra Rao, I/c Executive Engineer & Deputy Chief Engineer (Retd) has made a representation with a request to issue necessary orders treating his suspension period from 13.12.2004 to 31.01.2007 as Duty duly regularizing his service to enable him to claim of Pay & Allowances as per rules and also retirement benefits.

9. Government after careful examination of the matter, and after considering the material made available on record, have decided to regularize the suspension period of Sri M. Nagendra Rao, I/c Executive Engineer & Deputy Chief Engineer (Retd) from 13.12.2004 to 31.01.2007, as spent on duty under sub-rule (3) of rule 54-B of Fundamental Rules.

10. Therefore, Government hereby order that the period of suspension from 13.12.2004 to 31.01.2007 of Sri M. Nagendra Rao, I/c Executive Engineer & Deputy Chief Engineer (Retd) O/o the Chief Engineer, NSP, Right Canals Unit, Guntur, be treated as spent on duty under Sub-rule (3) of rule 54-B of Fundamental Rules.

11. The Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M. Nagendra Rao, I/C, Executive Engineer & Deputy Chief Engineer
O/o the Chief Engineer, NSP, Right Canals Unit, Guntur, (Now retired)
Through the Engineer-in-Chief (Administration Wing), Irrigation & CAD,
Errum Manzil, Hyderabad.

The Engineer-in-Chief (Administration Wing), Irrigation & CAD Department,
Errum Manzil, Hyderabad.

The Chief Engineer, NSP Camp Office, Hyderabad.

Copy to:

The Director General, Anti Corruption Bureau, Hyderabad.

The Secretary, A.P. Vigilance Commission, Hyderabad

The Accountant General, Andhra Pradesh, Hyderabad.

SF/Spare.

// FORWARDED::BY::ORDER //

SECTION OFFICER